

**MEDICAL EXAMINING BOARD
MINUTES
FEBRUARY 15, 2006**

PRESENT: Drs. Lief Erickson; Alfred Franger; Sujatha Kailas; Jack Lockhart; Daniel Miota; Ian Munro; Gene Musser; Sandra Osborn, Bhupinder Saini; and Virginia Heinemann and Martha Vukelich-Austin

STAFF: Tom Ryan, Bureau Director; Colleen Baird, Legal Counsel; PJ Monson, Bureau Assistant and other DRL staff

GUESTS: Jeremy Levin, Wisconsin Medical Society

CALL TO ORDER

Dr. Saini called the meeting to order at 8:02 a.m. There was a quorum of 10 members present.

APPROVAL OF AGENDA

Additions to Agenda:

- Item E – letter from Colleen Baird to the Medical Examining Board and the Board of Nursing regarding Passage of AB-709
- Item F – New Mexico 7 year rule with exceptions
- Item I – LRB-3669/1 relating to the Physical Therapists Affiliated Credentialing Board
- Before Item K – Proposed Stipulation and Final Decision and Order in case number 04 MED 259
- Before Item K – Proposed Stipulation and Final Decision and Order in case number 05 MED 119
- Item K – James M. Shortt, MD transcripts of proceedings dated 01/17/06
- After Item P – Petition and request for extension of time in case 03 MED 156
- After Item P – Acceptance of Physician into IPP Program
- After Item P – Monitoring – Raymond Koziol - Appearance

(Dr Kailas joined the meeting)

Removed from Agenda

- Item P – Possible violation of Board Order – Myron Marlet, MD

MOTION: Dr. Osborn moved, seconded by Dr. Miota, to approve the agenda with amendments. Motion carried unanimously.

APPROVAL OF MINUTES OF JANUARY 25, 2006

MOTION: Dr. Miota moved, seconded by Dr. Munro, to approve the January 25, 2006 minutes as published. Motion carried unanimously.

PRESENTATION OF PROPOSED STIPULATIONS, FINAL DECISIONS AND ORDERS RECEIVED IN THE BUREAU AFTER MAILING OF AGENDA

EDWARD C. FARKAS, MD

Attorney Gilbert C. Lubcke presented the Proposed Stipulation, Final Decision and Order in the matter of Edward C. Farkas, MD.

ROBIN R. FERRON, MD

Attorney Arthur Thexton presented the Proposed Stipulation, Final Decision and Order in the matter of Robin R. Ferron, MD.

ADMINISTRATIVE REPORT

March 17 Board Member Orientation at DRL

Mr. Ryan announced the Board member orientation and encouraged attendance.

BOARD PERFORMANCE EVALUATION

The Board discussed the possibility of performance measures and the material included with the agenda.

SCREENING PANEL REPORT

Ms. Heinemann stated 32 screening cases were reviewed, 9 cases were opened and 23 were not opened.

SUMMARY REPORTS OF PENDING COURT CASES, DISCIPLINARY CASES, ADMINISTRATIVE RULES AND LEGISLATION

Larry Martin, DRL Executive Assistant, appeared before the Board to update the Board on legislative activity. The midwives bill has moved to the governor's desk for signature and is expected to be signed. Mr. Martin also reviewed the status of Senate Bill 853. The Board discussed the importance of the voice of the Medical Examining Board and the possibility of a Board-appointed legislative liaison.

MOTION: Dr. Erickson, moved, seconded by Dr. Franger, in favor of Ms. Baird submitting a letter to the Governor reflecting the Board's

views on the midwife bill and requesting it be vetoed. Motion carried.

Eric Callisto reported on LRB 1965-relating to Peer Review. He indicated that DOE appeared before the legislature in opposition to part of the bill. DOE has recommended changes to better define peer review as to not negatively impact DOE and its discipline of licensees.

Appointment of Board Legislative Liaison

Deferred for further discussion.

WIS. ADMIN. CODE § 1.06 (3) (b) RELATING TO THE 7 YEAR TIME LIMIT FOR COMPLETION OF THE THREE QUALIFYING EXAMINATIONS OF MD APPLICANTS – SCOPE STATEMENT

MOTION: Dr. Miota moved, seconded by Dr. Munro, to approve the Wis. Admin. Code § 1.06 (3) (b) scope statement. Motion carried. Dr. Franger and Ms. Heinemann opposed.

PHARMACY EXAMINING BOARD POSITION STATEMENT ON PAIN MANAGEMENT AND REQUEST FOR MEDICAL EXAMINING BOARD ACCEPTANCE AS JOINT STATEMENT

The Board supports the Pharmacy position statement but is not interested in making this a joint statement.

BARBERING AND COSMETOLOGY RULE PROPOSAL RELATING TO MICRODERMABRASION

MOTION: Dr. Erickson moved, seconded by Dr. Lockhart, to not oppose the rule proposal that would remove microdermabrasion from the section of Barbering and Cosmetology rules of delegated medical procedures. Motion carried. Dr. Saini opposed.

Wisconsin Physical Therapy Association (WPTA) Position Statement

MOTION: Dr. Lockhart moved, seconded by Dr. Franger, in favor of the Board not objecting to the Physical Therapist Affiliated Credentialing Board becoming an independent Board within DRL. Motion carried. Dr. Miota opposed.

INFORMATIONAL ITEMS

Noted.

CONVENE TO CLOSED SESSION

MOTION: Ms. Heinemann moved, seconded by Dr. Musser, to adjourn to closed session pursuant to Wisconsin State statutes 29.85(1)(a)(b)(f) and (g) for the purpose of conducting appearances, reviewing monitoring requests and requests for licensure, deliberating on stipulations, administrative warnings, proposed decisions and orders, consulting with Legal Counsel and considering Division of Enforcement case status reports. Motion carried by roll call vote: Dr. Erickson-yes; Dr. Franger-yes; Ms. Heinemann-yes; Dr. Kailas-yes; Dr. Lockhart-yes; Dr. Miota-yes; Dr. Munro-yes; Dr. Musser-yes; Dr. Osborn-yes; Dr. Saini-yes, and Ms. Vukelich-Austin-yes

Open Session recessed at 10:16 a.m.

RECONVENE TO OPEN SESSION

MOTION: Ms. Heinemann moved, seconded by Dr. Franger, to reconvene to open session. Motion carried unanimously.

Open session reconvened at 12:40 p.m.

**DELIBERATION OF PROPOSED STIPULATIONS,
FINAL DECISIONS AND ORDERS
RECEIVED IN THE BUREAU AFTER MAILING OF AGENDA**

EDWARD C. FARKAS, MD

MOTION: Dr. Musser moved, seconded by Ms. Heinemann, to adopt the Findings of Fact, Conclusions of Law, Stipulation, and Order in the matter of disciplinary proceedings against Edward C. Farkas, MD. Motion carried unanimously.

ROBIN R. FERRON, MD

MOTION: Dr. Kailas moved, seconded by Dr. Erickson, to adopt the Findings of Fact, Conclusions of Law, Stipulation, and Order in the matter of disciplinary proceedings against Robin R. Ferron, MD. Motion carried unanimously. Dr. Saini and Ms. Heinemann abstained.

DELIBERATION OF PROPOSED DECISION

JAMES M. SHORTT, MD

MOTION: Ms. Heinemann moved, seconded by Dr. Osborn, to accept the proposed decision in the matter of disciplinary proceedings against James M. Shortt, MD. Motion carried unanimously. Dr. Miota abstained from discussion and vote.

DOE MONITORING

PAUL RUSSO, DO REQUESTING BOARD RECONSIDERATION OF PAST ACTION

Paul Russo, DO, Attorney Jeffrey Levens of Augustine, Kern and Levens, Ltd and Attorney Brian Baird, of Coyne, Schultz, Becker & Bauer, S.C. appeared before the Board to request reconsideration of the Board order.

MOTION: Dr. Franger moved, seconded by Dr. Miota, to deny the request for reconsideration for Paul Russo, DO. Motion carried. Dr. Kailas and Dr. Erickson opposed.

The reason for the denial is Dr. Russo's failure to satisfy the Board order requirement of one year of continuous practice under the prescribing limitation at paragraph four of the Board order.

JEFFREY LEY, MD REQUESTING FULL REINSTATEMENT

MOTION: Dr. Franger moved, seconded by Dr. Munro, to approve full reinstatement of license for Jeffrey Ley, MD. Motion carried unanimously.

DAVID ONSRUD, DO REQUESTING THREE MONTH STAY

MOTION: Dr. Miota moved, seconded by Dr. Kailas, to grant the three month stay for David Onsrud, DO. Motion carried unanimously. Dr. Lockhart abstained.

**KENNETH SPARR, MD
REQUESTING THREE MONTH STAY**

MOTION: Dr. Kailas moved, seconded by Ms. Heinemann, to grant the three month stay for Kenneth Sparr, MD. Motion carried unanimously.

**RAYMOND KOZIOL, MD
REQUESTING REINSTATEMENT OF STAY**

Raymond Koziol appeared to request reinstatement of his stay.

MOTION: Dr. Miota moved, seconded by Dr. Franger, to deny the reinstatement of stay for Raymond Koziol, MD. Motion carried unanimously.

ACCEPTANCE OF PHYSICIAN INTO IPP PROGRAM

MOTION: Dr. Munro moved, seconded by Dr. Osborn, to accept request to participate in the IPP program for C.L.C., MD. Motion carried unanimously.

**PETITION AND REQUEST FOR EXTENSION OF TIME
03 MED 156**

MOTION: Ms. Heinemann moved, seconded by Dr. Osborn, to request an extension of time for case 03 MED 156. Motion carried unanimously.

DOE CASE CLOSINGS

04 MED 262

MOTION: Dr. Franger moved, seconded by Dr. Kailas, to close case 04 MED 262 for insufficient evidence. Motion carried unanimously. Dr. Saini abstained.

05 MED 187 AND 05 MED 320

MOTION: Dr. Miota moved, seconded by Dr. Kailas, to close case 05 MED 187 and 05 MED 320 for prosecutorial discretion (P7). Motion carried unanimously. Dr. Saini abstained.

03 MED 423

MOTION: Dr. Miota moved, seconded by Dr. Kailas, to close case 03 MED 423 for insufficient evidence. Motion carried unanimously.

05 MED 285

MOTION: Ms. Heinemann moved, seconded by Dr. Munro, to close case 05 MED 285 for prosecutorial discretion (P2). Motion carried unanimously.

05 MED 144

MOTION: Dr. Erickson moved, seconded by Dr. Lockhart, to close case 05 MED 144 for prosecutorial discretion (P2). Motion carried unanimously.

03 MED 576

MOTION: Dr. Miota moved, seconded by Dr. Munro, to close case 03 MED 576 for insufficient evidence. Motion carried unanimously. Dr. Erickson abstained.

05 MED 301

MOTION: Dr. Franger moved, seconded by Dr. Miota, to close case 05 MED 301 for no violation. Motion carried unanimously. Dr. Lockhart abstained.

REMEDIAL EDUCATION

03 MED 567

MOTION: Dr. Miota moved, seconded by Dr. Erickson, to refer case 03 MED 567 to the remedial education program. Motion carried unanimously.

RATIFYING LICENSES AND CERTIFICATES

MOTION: Dr. Munro moved, seconded by Dr. Musser, to ratify all licenses. Motion carried unanimously.

**VOTING ON ITEMS CONSIDERED OR DELIBERATED ON IN CLOSED
SESSION IF VOTING IS APPROPRIATE**

MOTION: Ms. Heinemann moved, seconded by Dr. Franger, to reaffirm all motions made during closed session. Motion carried unanimously.

EXAM SCORES

MOTION: Dr. Erickson moved, seconded by Dr. Munro, to accept the exam scores as of today's date. Motion carried unanimously.

ADJOURNMENT

MOTION: Ms. Heinemann moved, seconded by Dr. Munro, to adjourn the meeting at 12:45 p.m. Motion carried unanimously.